

Assembly Bill No. 59

CHAPTER 405

An act to amend Section 25660 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 59, Jeffries. Alcoholic beverages: proof of age: military identification cards.

The Alcoholic Beverage Control Act makes it a misdemeanor for any person under the age of 21 years to purchase any alcoholic beverage or consume any alcoholic beverage in any on-sale premises. The act also subjects a holder of a license to sell alcoholic beverages to criminal prosecution and suspension or revocation of that license if the licensee sells any alcoholic beverages to any person under the age of 21 years. Existing law provides that a licensee's acceptance of bona fide evidence, as defined, constitutes a defense to any action against the licensee. Existing law requires that evidence to contain a description of the person.

Existing law includes a military identification card issued to a member of the Armed Forces as an eligible identification card so long as that card includes a description of the cardholder. Identification cards issued by the Armed Forces no longer contain a physical description of the cardholder. For security purposes, that information is electronically encrypted in order to avoid tampering with the card. Existing law authorizes the acceptance of a military identification card as bona fide evidence that a person is 21 years of age, provided that proof of majority is further substantiated with other identification, as specified.

This bill would provide that, if the military identification card lacks a physical description, but does include date of birth and a photo, further proof of majority shall not be required.

This bill would incorporate changes made by AB 1191 that would become operative if both bills are enacted and this bill is enacted after AB 1191.

The people of the State of California do enact as follows:

SECTION 1. Section 25660 of the Business and Professions Code is amended to read:

25660. (a) Bona fide evidence of majority and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle

operator's license or an identification card issued to a member of the Armed Forces, that contains the name, date of birth, description, and picture of the person.

(b) In the event an identification card issued to a member of the Armed Forces is provided as proof of majority and lacks a physical description, but does include date of birth and a photo, further proof of majority shall not be required.

(c) Proof that the defendant-licensee, or his or her employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence in any transaction, employment, use, or permission forbidden by Section 25658, 25663, or 25665 shall be a defense to any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

SEC. 1.5. Section 25660 of the Business and Professions Code is amended to read:

25660. (a) Bona fide evidence of majority and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, an identification card issued to a member of the Armed Forces that contains the name, date of birth, description, and picture of the person, or a valid passport issued by the United States or by a foreign government.

(b) In the event an identification card issued to a member of the Armed Forces is provided as proof of majority and lacks a physical description, but does include date of birth and a photo, further proof of majority shall not be required.

(c) Proof that the defendant-licensee, or his or her employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence in any transaction, employment, use, or permission forbidden by Section 25658, 25663, or 25665 shall be a defense to any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

SEC. 2. Section 2.5 of this bill incorporates amendments to Section 25660 of the Business and Professions Code proposed by both this bill and AB 1191. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2010, (2) each bill amends Section 25660 of the Business and Professions Code, and (3) this bill is enacted after AB 1191, in which case Section 1 of this bill shall not become operative.